

United States District Court
for the
Northern District of New York
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Chion Burrage

Case Number: 5:04CR000140-013

Name of Sentencing Judicial Officer: Honorable Frederick J. Scullin, Jr., Senior U.S. District Judge

Date of Original Sentence: 10/3/06

Date of Revocation: 9/25/07

Date of Revocation: 3/12/08

Date of Revocation: 7/31/08

Original Offense: Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine

Revocation Offense: Drug Use, Association with Felon and New Charges

Revocation Offense: Drug Use, New Charges and Failure to Attend Treatment

Revocation Offense: Drug Use (Cocaine and marijuana), Failure to Attend Treatment and Failure to Report for Drug testing

Original Sentence: 40 months imprisonment and 3 years supervised release

Revocation Sentence: Reinstated to Supervised Release on 11/20/07

Revocation Sentence: Reinstated to Supervised Release on 4/28/08

Revocation Sentence: 8 months imprisonment, 3 years supervised release

Type of Supervision: Supervised Release Date Supervision Commenced: 12/19/08

Asst. U.S. Attorney: Ransom Reynolds Defense Attorney: James Greenwald

PETITIONING THE COURT

[] To issue a warrant

[X] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

1

Standard Condition #7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On December 29, 2008, the defendant submitted a positive urinalysis for marijuana. The defendant reports using illegal drugs in the BOP three times per week until his release on December 19, 2008. On January 6, 2009, the defendant admitted using cocaine on January 3, 2009.

This information is based on verbal admissions made by the defendant and laboratory confirmation. (Grade C violation)

Name of Offender: Chion Burrage

Case Number: 5:04CR000140-013

2. **Special Condition #1: You shall reside for a period of 4 months in a residential reentry center or other suitable facility and shall observe the rules of that facility.**
The defendant was instructed to call Brick House, Syracuse Behavioral Healthcare's Halfway House every Tuesday to verify the waiting list for admission. The defendant has not contacted Brick House since February 17, 2009.
This information is based on records from Syracuse Behavioral Healthcare and the probation officer's personal knowledge. (Grade C violation)
3. **Special Condition #2: You shall participate in a mental health program which shall include medical, psychological, or psychiatric evaluation and may include outpatient and/or inpatient treatment. The program shall be approved by the United States Probation Office.**
On February 25, 2009, the defendant failed to report for his individual session at the Wellness Therapy Center in Syracuse. On March 5, 2009, he failed to report for an anger management group. On March 6, 2009, the defendant failed to attend an individual session. The Wellness Therapy Center discharged the defendant because of no contact on March 11, 2009. This information is based on the records from the Wellness Therapy Center. (Grade C violation)
4. **Special Condition #4: The defendant shall participate in a program for substance abuse which shall include testing for drug and/or alcohol use and may include inpatient and/or outpatient treatment.**
Since February 28, 2009, the defendant has failed to call the drug testing program. On Saturday, March 7, 2009 and Tuesday, March 10, 2009, the defendant failed to report for a drug test.
This information is based on the probation office's records and the probation officer's personal knowledge. (Grade C violation)
5. **Special Condition #4: The defendant shall participate in a program for substance abuse which shall include testing for drug and/or alcohol use and may include inpatient and/or outpatient treatment.**
The defendant was attending intensive outpatient treatment at Syracuse Behavioral Healthcare (SBH). He failed to attend treatment on February 9, 2009 and February 16, 2009. The defendant left treatment early on February 4, 2009 and February 20, 2009. On February 25, 2009, the defendant was discharged from SBH for engaging in threatening behavior and failing to attend treatment as directed.
This information is based on records from Syracuse Behavioral Healthcare. (Grade C violation)

U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked☐ Extended for year(s), for a total term of years.☐ The conditions of supervision should be modified as follows:

Re fully submitted,MATTHEW L. BROWN
Chief U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

Approved by: Lori Albright Executed on: March 13, 2009
by: Mark A. Walker
LORI ALBRIGHT MARK A. WALKER
Supervising U.S. Probation Officer Senior U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Summons
☐ Other

☒ **The Issuance of a Warrant. This petition and all documents attached hereto are SEALED until such time as the warrant generated by this petition is returned executed.**

The District Court Clerk's Office is hereby **ORDERED NOT** to serve a copy of this petition or any of the attached documents upon anyone EXCEPT that a copy is to be served upon law enforcement personnel. Copies shall be served upon the unsealing of the petition.

[Signature]
Signature of Judicial Officer
3/26/09

Date